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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,507	06/03/2005	Steffen Thiel	THIEL3	4712

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EXAMINER	
SITTON, JEHANNE SOUAYA	
ART UNIT	**PAPER NUMBER**
1634	
MAIL DATE	**DELIVERY MODE**
10/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/537,507	THIEL ET AL.	
	Examiner	Art Unit	
	Jehanne S. Sitton	1634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 June 2005*.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *47-87* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *47-87* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group 1, claim(s) 47 and 58-66, in part, drawn to a method of determining a predisposition to an immune system related disease by detecting a polymorphism in SEQ ID NO: 3, using nucleic acid based detection methods.

Group 2, claim(s) 47 and 58, in part, drawn to a method of determining a predisposition to an immune system related disease by detecting a polymorphism in SEQ ID NO: 4.

Group 3, claim(s) 47-57, in part, in part, drawn to a method of determining a predisposition to an immune system related disease by detecting a polymorphism in SEQ ID NO: 1, using protein based methods.

Group 4, claim(s) 47, 51-57, in part, drawn to a method of determining a predisposition to an immune system related disease by detecting a polymorphism in SEQ ID NO: 2 using protein based methods.

Group 5, claim(s) 69, and 78-81, drawn to an isolated oligonucleotide encoding a MASP-2 variant, SEQ ID NO: 1, as well as gene therapy vectors comprising such nucleic acid.

Group 6, claim(s) 70, drawn to an isolated oligonucleotide encoding a Map-19 variant, SEQ ID NO: 2.

Group 7, claim(s) 72-75, in part, drawn to an antibody capable of recognizing MASP-2.

Group 8, claim(s) 72-75, in part, drawn to an antibody capable of recognizing Map-19.

Group 9, claim(s) 76, drawn to a method of treatment for an immune system related disease comprising administering an effective amount of a polypeptide of SEQ ID NO: 1 and/or SEQ ID NO: 2.

Group 10, claim(s) 77, in part, drawn to a polypeptide of SEQ ID NO: 1.

Group 11, claim(s) 77, in part, drawn to a polypeptide of SEQ ID NO: 2.

Group 12, claim(s) 82,83, 86 and 87 in part, drawn to a method of treatment for inhibition of activity of the lectin component pathway comprising administering an effective amount of SEQ ID NO: 1.

Group 13, claim(s) 82, 83, 86, and 87 in part, drawn to a method of treatment for inhibition of activity of the lectin component pathway comprising administering an effective amount of SEQ ID NO: 2.

Group 14, claim(s) 82, 84, 86, and 87 in part, drawn to a method of treatment for inhibition of activity of the lectin component pathway comprising administering an effective amount of an oligonucleotide of SEQ ID NO: 3.

Group 15, claim(s) 82, and 85-87, in part, drawn to a method of treatment for inhibition of activity of the lectin component pathway comprising administering an effective amount of an antibody which recognizes MASP-2.

Group 16, claim(s) 82, and 85-87, in part, drawn to a method of treatment for inhibition of activity of the lectin component pathway comprising administering an effective amount of an antibody which recognizes Map-19.

2. Claims 67, 68 and71 link(s) inventions 5 and 6. The restriction requirement between the linked inventions is **subject to** the nonallowance of the linking claim(s). Upon the indication of allowability of the linking claim(s), the restriction requirement as to the linked inventions **shall** be withdrawn and any claim(s) depending from or otherwise requiring all the limitations of the allowable linking claim(s) will be rejoined and fully examined for patentability in accordance with 37 CFR 1.104 **Claims that require all the limitations of an allowable linking claim** will be entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier. Amendments submitted after final rejection are governed by 37 CFR 1.116; amendments submitted after allowance are governed by 37 CFR 1.312.

Applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, the allowable linking claim, such

claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

3. The inventions listed as Groups 1-16 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The claims lack a special technical feature over the prior art. For example, claim 67 is drawn to a nucleic acid molecule which is only 10 contiguous nucleotides of SEQ 3. However, the prior art of Brennan (US Patent 5,474,796) teaches arrays of nucleic acids of each possible 10 mer nucleic acid sequence. Accordingly, the claims lack a special technical feature over the prior art and lack unity of invention.

4. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Jehanne Sitton whose telephone number is (571) 272-0752. The examiner can normally be reached Monday-Thursday from 8:00 AM to 5:00 PM and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla, can be reached on (571) 272-0735. The fax phone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

/Jehanne Sitton/
Primary Examiner
Art Unit 1634
9/28/2007